

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

ANNIE LOVE, ET AL

PLAINTIFFS

VS.

CIVIL ACTION NO.1:03CV638-JAD

FORD MOTOR COMPANY

DEFENDANT

ORDER GRANTING PARTIAL SUMMARY JUDGMENT

The court has considered the defendant's motion for partial summary judgment (Doc. 131). The plaintiff has filed no response to the motion. The plaintiffs' decedent was killed when his Ford Explorer rolled over. He was ejected in the accident. The plaintiffs' complaint and discovery assert several theories regarding defects. The defendants seek judgment as a matter of law on the plaintiffs' claims relating to glass and roof claims, based upon the absence of expert testimony to support these claims. The court has reviewed the evidence in support of the motion. The plaintiffs have not tendered expert testimony in regard to these claims. Without such testimony, plaintiffs are unable to present a prima facie case on these two theories. *Hammond v Coleman Co.*, 61 F. Supp. 533, 541(S.D. Miss. 1999), affirmed 209 F. 2d 718.

IT IS ORDERED that the defendant is granted partial summary judgment for any claim alleging defects relating to the glass in the subject vehicle and the roof structure. The plaintiffs' claims relating to the driver's door latch system, driver seatbelt and handling and stability issues will be resolved by trial.

SO ORDERED this the 17th day of October, 2005.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE